FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPLICATION NO.2217 OF 2006

Office Notes, Office Memoranda of Coram appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr.A.Majeed Memon for the applicants.

Ms.S.V.Gajare APP for the State.

Coram : R.S.Mohite,J

Date : 13.7.2006

PC

1. This is an application for grant of bail. The applicants are shown as accused in C.R.No.I-18/2006 registered by the Vithalwadi police station for offences under Sections 498-A, 302 r/w 34 of IPC. The 1st applicant Durgadas is the husband of the deceased Archana. The 2nd applicant is his brother. The incident in question took place on 31.1.2006 at about 8.00 A.M. Though Archana suffered 100% burns and expired on the same day, there are 2 dying declarations of Archana which have been

recorded. The 1st dying declaration was recorded immediately within one hour after her having suffered burn injuries at 9.05 A.M. On the said dying declaration there is a Doctor’s certificate regarding fitness of her condition taken at about 9.40 A.M. i.e. immediately after the said dying declaration was recorded. The same implicates the 2 applicants. Yet another dying declaration recorded at 10.30 A.M. This also implicates the 2 applicants. It was sought to be suggested that the dying declaration did not mention about the demand of dowry. The lady in question had just been burn a hour before the first dying declaration was recorded. It was not expected to give lengthy declaration. Some of her neighbours have taken to her to the hospital. One of the witnesses has stated that the husband and her brother also went to the hospital. However,

incident in question has taken place at the place where both the applicants were staying together. In the circumstances, it cannot be said at this stage that this is a case of no evidence. In the circumstances, no substance in the application. Application stands rejected.

(R.S.Mohite,J)